

EMERGENCY MEDICAL TECHNICIAN CERTIFICATION ACTIONS – LEMSA CERTIFIED

(New October 2015)

7222

PURPOSE

(New October 2015)

7222.1

This policy section outlines the roles and responsibilities of the California Department of Forestry and Fire Protection (CAL FIRE) personnel regarding Local Emergency Medical Services (LEMSA) certified Emergency Medical Technician (EMT) certification actions.

The California Health and Safety Code (H&SC) and the California Code of Regulations (CCR), Title 22, Division 9, regulate certification actions imposed on an EMT certificate. In accordance with the CCR, Title 22, CAL FIRE, as the relevant employer, has the first right of refusal for all EMT certification action investigations.

To ensure the Department's responsibilities are met and CAL FIRE EMT personnel are treated in a fair consistent manner, the Emergency Medical Services (EMS) Program will strive to accept LEMSA certified EMT certification action investigations, and prepare and submit the Recommended Certification Action Disciplinary Plan to the governing LEMSA.

Certification Action Investigations

Certification Action Investigations are initiated when an allegation of improper conduct against an EMT is levied and the behavior is substantially related to the qualifications, functions, or duties of the EMT.

The goal of CAL FIRE is to accept certification action investigations in order to maintain internal review. This provides CAL FIRE EMT personnel consistency with the investigatory process and certification action recommendation(s). The EMS Program will coordinate with Unit/Programs in the decision to accept and conduct an EMS certification action investigation.

Notifications

In order to complete the investigation in a timely manner, a cooperative effort must occur between the EMS Program staff, Unit/Program staff, and the LEMSA.

LEMAs must notify the Department within 72 hours of receiving any allegation(s) and offer CAL FIRE the right to refuse the EMT certification action investigation, in accordance with the CCR, Title 22.

If a complaint/allegation is sent to the EMS Program, the EMS Program must notify the jurisdictional LEMSA within 72 hours of receipt and validation. The EMS Program shall also notify the affected Unit/Program within 72 hours of receipt of complaint/allegation.

CAL FIRE has three days to accept an investigation after receipt of notification of alleged EMT improper conduct by a LEMSA.

After the EMS Program has been notified by the managing LEMSA, the EMS Program will contact the Unit/Program to determine if the certification action investigation will be accepted or deferred. Once a determination has been made, the EMS Program must notify the LEMSA immediately of acceptance or deferral, and notice the EMT employee that a complaint/allegation has been made and when the certification action investigation begins.

The EMS Program will coordinate with the Unit/Program with all certification action investigations. When all certification action investigations are completed, the Unit/Program forwards all investigatory documentation to the EMS Program. The EMS Program will develop and submit the Recommended Certification Action Disciplinary Plan to the jurisdictional LEMSA Medical Director.

When the certification action is determined and the certification action disciplinary plan is approved, the LEMSA must notify the EMT and the EMS Program within 10 working days, in accordance with the CCR, Title 22.

Refer to the CAL FIRE 7200 Emergency Medical Services Handbook, Appendix 8, for additional information regarding EMT certification action investigations.

EMT Rights

Rights to Representation

All EMTs have a right to representation in circumstances that may lead to certification action.

Disclosure

Information received from a criminal offender record information (CORI) search that may negatively affect employment, certification or licensure must be furnished to the applicant by the Certifying Entity.

Appeal Rights and Administrative Hearings

All certificate holders have the right to appeal any certification action recommended by a LEMSA Medical Director.

Should a CAL FIRE EMT choose to appeal, the administrative hearing process will be initiated under the direction of the Office of Administrative Hearings. Refer to the 7200 CAL FIRE Emergency Medical Services Program Handbook, Appendix 1 for a link to the Office of Administrative Hearings for information regarding administrative hearings.

AUTHORITY

7222.2

(New October 2015)

- United States Constitution, Amendment 14
- United States Code, Title 29, Chapter 7, Subchapter II, National Labor Relations Act
- California Government Code, Division 3, Chapters 4 and 5, Division 4, Chapter 9.6, and Division 5, Chapter 7
- California Health and Safety Code, Division 2.5
- California Penal Code, Part 4
- California Code of Regulations, Title 22, Division 9
- Governing California Local Emergency Medical Services Agency

RELATED POLICIES

7222.3

(New October 2015)

- 1000 CAL FIRE Personnel Handbook
- 4000 CAL FIRE Training Handbook
- 7000 CAL FIRE Fire Operations Handbook
- 8500 CAL FIRE Cooperative Fire Services Handbook
- 9400 CAL FIRE Law Enforcement Procedures Handbook

DEFINITIONS

7222.4

(New October 2015)

Model Disciplinary Orders

Model Disciplinary Orders (MDOs) are the Recommended Guidelines for Disciplinary Orders and Conditions of Probation that were developed by the EMSA to provide a consistent and equitable certification action taken against an EMT certification. Refer to the 7200 CAL FIRE Emergency Medical Services Program Handbook, Appendix 1, for the link to the EMT MDOs.

Temporary Suspension Orders

Temporary Suspension Orders (TSOs) are issued by a LEMSA Medical Director only if the certificate holder poses an imminent threat to the public's health and safety. TSOs temporarily and immediately suspend a certificate prior to and until an administrative law hearing can be held and final decision rendered. All TSOs will generate from a LEMSA. CAL FIRE EMS Program will coordinate with the governing LEMSA for all EMT TSOs.

RESPONSIBILITIES

7222.4

(New October 2015)

EMT Certified Employee

- Notifies immediate supervisor, of any misdemeanor or felony arrest and/or adjudication related to any arrest within three business days and in accordance with regulations and CAL FIRE policy and procedure (this does not include small claims, civil or family law proceedings)
- Notifies immediate supervisor and EMS Program of any notification of possible action by a LEMSA
- Requests representation, if so desired
- Cooperates with investigatory staff during certification action investigation

CAL FIRE Supervisor

- Makes notification(s), using established chain of command, of any formal complaints, arrests, or adjudicated court proceedings reported by EMT employees under command
- Assists, as directed, with EMT certification action issues

Unit/Program EMS Coordinator

- Coordinates with EMS Program staff and Unit/Program Administrative Officer regarding any allegations levied against a CAL FIRE EMT that may result in an EMT certification action

Unit/Program Administrative Officer

- Notifies EMS Program of any allegations levied against a CAL FIRE EMT that may result in an EMT certification action

- Coordinates with Unit/Region/Program Chief and EMS Program as needed to ensure certification action investigation is required and/or completed in accordance with laws, codes, regulations and CAL FIRE policies and procedures

Unit Chief/Program Manager

- Assigns Unit/Program EMS investigative staff
- Ensures EMS Program is notified of any EMT alleged violations or EMT suspension, resignation, or termination within 24 hours
- Ensures Unit/Program meets timeline for notifications
- Ensures all certification action investigations are completed in timely manner
- Coordinates with stakeholders as needed to ensure certification action investigation is required and/or completed in accordance with laws, codes, regulations and CAL FIRE policies and procedures
- Ensures staff assigned are properly trained
- Coordinates with EMS Program in all EMT certification actions

Region Chief/Deputy Chief

- Coordinates with Unit/Region/Program Chief and EMS Program as needed to ensure certification action investigation is required and/or completed in accordance with laws, codes, regulations and CAL FIRE policies and procedures
- Ensures Unit/Program is coordinating with EMS Program regarding all EMT certification actions

Unit/Program Investigatory Staff

- Ensures all State laws, codes, statutes and regulations and CAL FIRE policies and procedures are followed
- Ensures all allegations of improper conduct are validated, if requested
- Coordinates with EMS Program staff during certification action investigations and with appropriate LEMSA(s) as needed
- Assists with or conducts investigatory interviews in cooperation with EMS Program staff, if requested
- Ensures FFBOR/POBR is applied when conducting certification action investigations
- Ensures EMT is afforded representation, if requested
- Forwards all investigation documentation to the EMS Program within three working days of completion of certification action investigation, and may not forward the documentation to any other source without consultation or consent of the EMS Program

Region Chief/Deputy Director

- Provides oversight for Unit/Program during certification action investigations

EMS Program Investigatory Staff

- Coordinates with EMS Program, LEMSA, and Unit/Program regarding EMS investigatory issues
- Ensures all allegations of improper conduct are validated
- Ensures FFBOR/POBR is applied when conducting certification action investigations
- Conducts all EMS certification action investigations in conjunction with Units/Programs
- Coordinates with Regions/Units/Programs, the Emergency Medical Services Authority (EMSA) and LEMSAs, for all EMT certification actions

EMS Program Staff

- Notifies the LEMSA Medical Director in the jurisdiction in which the alleged action occurred within three working days after validation, and if determined, invokes first rights to investigation
- Notifies the EMT certificate holder when an investigation is opened
- Coordinates with LEMSAs and ensure LEMSA notification policies and procedures are met, as needed
- Provides any assistance, documentation, templates as needed to facilitate an efficient and timely certification action investigation process
- Ensures all State laws, regulations and CAL FIRE policies and procedures are followed
- Submits, to the relevant LEMSA, the Recommended EMT Certification Action Disciplinary Plan within three working days of completion along with the relevant findings of the investigation
- Develops recommendations, using the Model Disciplinary Orders (MDOs), for EMT certification action(s) and finalizes the Recommended Certification Action Disciplinary Plan
- Makes all required EMS related notification(s) in accordance with CCR, Title 22, Division 9

EMS Physician

- Assists EMS Program staff with certification action investigations as directed

EMS Program Manager

- Ensures first rights of refusal regarding investigations are maintained
- Assigns EMS Program investigatory staff to investigate all EMS validated complaints/CORIs/subsequent arrest notification(s) (SANs)
- Ensures all State laws, regulations and CAL FIRE policies and procedures are followed
- Coordinates with Regions/Programs/Units as needed to facilitate certification action investigations
- Ensures EMS Program staff adhere to FFBOR/POBR during certification action investigations
- Reviews and approves finalized EMT recommended certification action disciplinary plans

EMS Program Chief

- Provides oversight regarding investigatory issues as needed
- Reviews/Approves EMT certification action disciplinary plans as needed

[\(see next section\)](#)

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